(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 4887 OF 1998

PETITIONER UNDER ARTICLES 226/227 CONSTITUTION OF INDIA

PETITIONER: S.K.Samuel, aged 52 years, son of Shri Willian Samuel, Senior Electrician, (Plant), Bailadila Iron Ore Project, Deposit No.14, Kirandul, District Bastar, M.P. resident of Qr.No.Type III/24, Kirandul Township, Distt. Bastar.

V/s

RESPONDENTS.

1. Union of India through the Secretary, Govt. of India, Ministry of Mines, & Minerals, New Delhi.

2. National Mineral Development Corporation (NMDC) through its Chairman, cum - Managing Director, having its Regd. office at 10-3-311/A Castle Hills, Masab Tank, Hyderabad, (A.P.)

3. Executive Director, Bailadila Iron Ore Project, Kirandul, District Bastar.

4. Executive Director (Personnel) Bailadila Iron Ore Project, Kirandul, Distt.Bastar.

5. Senior Manager (Personnel), Bailadila Iron R Ore Project, Kirandul, Distt.Bastar.

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF AN APPROPRIATE WRIT, DIRECTION AND/OR ORDER

(4)

"6. Mohanlal, Junior Officer, National Mineral Development Corporation Ltd., 10.3.311/A, Castle Hills Masab Tank, Hyderabad-500 028.

7. Rama Shanker Singh, Chargeman (Elect), Bailadila Iron Ore Project, Deposit No.5, P.O. Bacheli, Distt. Dantewada (M.P).

8. M.M.Mishra, Chargeman (Elect), Bailadila, Iron Ore Project, Deposit No.5, P.O. Bacheli, Distt. Dantewada (M.P)

9. N.G.Das, Chargeman (Elect), Bailadila Iron Ore Project, Deposit No.5, P.O.Bacheli, Distt. Dantewada (M.P)

10. D.P.Bajpai, Junior Officer, National Mineral Development Corpn. Ltd. 10.3.311/A, Castle Hills, Masab Tank, Huderabad- 500 028."

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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4887 of 1998

Petitioner S. K. Samuel

Versus

Respondents Union of India and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Vinay Pandey, Advocate for the petitioner.

Shri V. S. Tiwari, Advocate on the authority of Shri S. K. Beriwal, standing counsel for the Union of India/Respondent No.1.

Shri Anish Pandey, Advocate with Shri N. N. Roy, Advocate for the respondents No. 2 to 5.

None for the respondents No. 6 to 10.

ORAL ORDER

(6th July, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner was initially appointed as Electrician Grade-II in the respondent No.2 Corporation and was posted at Deposit No.14 of Bailadila Iron Ore Project, Kirandul, District- Baster. The petitioner was thereafter promoted to the post of Electrician Grade-I and to the post of Senior Electrician on 6.4.1974. As per the job specification, description of the National Mineral Development Corporation Ltd., 3 years experience for LEE (Licensiate of Electrical Engineering) and 10 years experience for ITI (Industrial Technical Institute) for promotion to the post of Chargeman (Electrical)/Foreman (Electrical) is required.

2. The case of the petitioner is that the petitioner was denied the promotion to the post of Chargeman (Electrical) on the ground that he was not holding the supervisory certificate of competency. The

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petitioner has cited examples of other persons namely Shri N. G. Das and Shri M. M. Mishra, who have been promoted to the post of Chargeman (Electrical) without having supervisory certificate of competency. It is not clear from the perusal of the papers appended to the petition and return as to whether the said persons were LEE holders or ITI holders. The petitioner is neither LEE nor ITI but holds wireman certificate. Hence, on the basis of the materials available it can not be held that there was discrimination and other similarly situated persons, as stated above, have been promoted without holding the supervisory certificate of competency. It appears that the claim of the petitioner for promotion to the post of Chargeman (Electrician) was denied on the ground that he was not holding the required supervisory competency certificate, which is just and proper.

3. For the reasons stated above, this petition stands dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge